IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.376 OF 2004

Shri.Arun R.Lonikar .. Petitioner
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.S.S.Pakale for the Petitioner.
Mrs.M.P.Thakur, AGP for Respondent Nos.1 & 7.
Mr.Uday Warunjikar for Respondent Nos.4 & 5.

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 25th September, 2006.

P.C.:

1. Heard Mr.Pakale, the learned Counsel for the Petitioner who was one of the Appellants (Appeal No.13 of 2002) before the Pune/Shivaji University and College Tribunal. By a common judgment and order dated 12.8.2003 the said appeal alongwith two others came to be dismissed by following the decision of this Court (Aurangabad Bench) in Writ Petition No.5023 of 2001. The Tribunal held that as the Appellants did not possess requisite qualification of NET/SET, they could not claim retention in service in view of the Government of Maharashtra's decision to adopt the amended rules framed by the University Grants Commission. The State Government's Resolution to that effect is dated 18.10.2001 and admittedly the appellants were appointed after 11.12.1999.

2. While challenging the said order of the Tribunal the petitioner has placed reliance on the subsequent order dated 18.4.2002 passed by the Division Bench in Writ Petition No.5782 of 2001 and the other connected

petitions. This order dated 18.4.2002 was placed before the Aurangabad Bench and the Bench clarified that the earlier judgment and order dated 28.10.2001 passed in Writ Petition No.5375 of 2001 had stated that the discretion of the University Grants Commission was only in specific/exceptional cases and not in every case. Consequently, the protection to be granted for retention in service for those who were appointed after 11.12.1999 could not be granted to every one and the legal position was clarified.

3. In these obtaining circumstances, we do not find any reason to hold that the impugned judgment and order is perverse or suffers from any error apparent on the face of the record, and hence, the challenge to the same must fail at the threshhold. The Petition is therefore rejected summarily.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**